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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 002762

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SUBJECT: GUILTY RULING IN "CASO KENNEDY" - BRV TRIES TO
APPEAR TOUGH ON CRIME?

REF: CARACAS 939

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Classified By: POLITICAL COUNSELOR ROBERT R. DOWNES FOR 1.4 (D)

Summary

11. (C) One of Caracas' more controversial criminal cases, the 2005 murder of three university students at a police roadblock, reached its pre-appellate conclusion August 31 with the sentencing of 24 police officers. The case epitomizes Venezuela's security problem, police corruption and resulting political confrontation. With crime an enormous problem and a popular sentiment that the government has been too slow to respond, the BRV is already using this resolution to try to argue that it has turned the corner in confronting violent crime. End Summary.

The Crime

12. (SBU) In June 2005, a vehicle carrying six university students encountered an armed roadblock manned by police officers in the Kennedy neighborhood of Caracas. Apparently not recognizing the individuals as police officers, the students attempted to flee. The officers pursued the students' car and apprehended them after they had stopped to ask for help. All unarmed, one student was shot in the street, and two others were tied up, beaten and riddled with gunshots in an alley. Three others received gunshot wounds but survived. Police reports indicated that at least 13 bullets struck their vehicle.

The Response

13. (SBU) Seven months after the murders, prosecutors brought charges against 24 security officers for involvement in the crime. By the time trial testimony was heard in May 2006, 24 officials from the Military Intelligence Division (DIM), the Scientific and Investigative Police (CICPC) and the metro Caracas Police were charged with premeditated murder, unlawful use of firearms, and charges related to the

doctoring of the crime scene (essentially engineering a cover-up). In a country where police violence is rampant, the attack against six unarmed college students nonetheless stirred the emotions of the community, and ignited protests. With tensions running high, the Public Ministry ordered bodyguards for the case's four prosecutors after they and military police witnesses began receiving death threats.

¶4. (SBU) Following the killings, the government responded by speeding up the review of the proposed National Police Law (subsequently again set aside and still not under National Assembly consideration), and President Chavez promised justice and a "cleaning up" of the police corps. Attorney General Isaias Rodriguez accused the DIM of tampering with evidence, and he ordered a review of Minister of the Interior and Justice Jesse Chacon's police records to explore accusations that the defendants had called Chacon the night of the murders and received instructions regarding a cover-up. In response to Chacon's grumbling that the prosecution in Caso Kennedy was excessive, Rodriguez issued public critiques of a systematic "police perversion" that went beyond this one case.

¶5. (SBU) Delays in the proceedings were numerous, as has become commonplace in many highly publicized trials in Venezuela. The court postponed multiple hearings due to a failure of the defense to show up to court, and judges were removed and replaced (a practice similar to that which Post reported as occurring several times in the controversial trial of Baruta Mayor Henrique Capriles Radonski (ref)). After a year of pre-trial hearings and three months of testimony, the judge on August 31 handed down sentences ranging from three to 30 years. Now that the verdicts have been issued, defense attorneys say they will appeal based on a lack of evidence and a perceived failure to adequately determine each defendant's level of responsibility.

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Comment

¶6. (C) One of the areas where Chavez's approval ratings are dropping and public concern is increasing is in regards to the escalating crime rate. The BRV is making attempts at damage control - the National Assembly just passed amendments to the CICPC Law which toughen penalties for corrupt and violent officers. It may also try to use the issue to push the National Police Law, which further centralizes national control but is unlikely to have much impact on crime. However, with a worsening crime rate and the elections just around the corner, the positive result in the Caso Kennedy trial might serve Chavez and the BRV well as "proof" that personal security matters to the government.

WHITAKER